

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:	.	Chapter 7
Rahul Dev Manchanda,	.	
Debtor.	.	Bankruptcy #23-22095 (SHL)
.....		
Senderoff,	.	
Plaintiff,	.	
v.	.	
Manchanda,	.	
Defendant.	.	Adversary #23-07008 (SHL)
.....		

White Plains, NY  
November 7, 2023  
12:55 p.m.

TRANSCRIPT OF:

\*\*\*PARTICIPANTS ON ZOOM\*\*\* STATUS CONFERENCE

\*\*\*PARTICIPANTS ON ZOOM\*\*\* DOC. #80 APPLICATION FOR FRBP 2004  
EXAMINATION FILED ON BEHALF OF THE INTERNAL REVENUE SERVICE,  
SMALL BUSINESS ADMINISTRATION

ADVERSARY PROCEEDING: 23-07008-SHL SENDEROFF V. MANCHANDA  
\*\*\*PARTICIPANTS ON ZOOM\*\*\* PRE-TRIAL CONFERENCE

BEFORE THE HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

**APPEARANCES:**

For the IRS and the SBA:	Dana Walsh Kumar, Esq. Assistant U.S. Attorney Southern District of New York 86 Chambers Street-3rd Fl. New York, NY 10007
For Douglas M. Senderoff:	Michael Druckman, Esq. Lewis & Lin, LLC 77 Sands St.-6th Fl. Brooklyn, NY 11201
For The U.S. Trustee:	Greg M. Zipes, Esq. U.S. Trustee's Office Alexander Hamilton Custom House One Bowling Green-Ste. 534 New York, NY 10004
Transcribing Firm:	Writer's Cramp, Inc. 1027 Betty Lane Ewing, NJ 08628 (609) 588-8043

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1           THE COURT: The first one will be fairly brief.  
2   It's Rahul Dev Manchanda, a Chapter 7 case. The Court and the  
3   parties received a fax from Mr. Manchanda yesterday very  
4   shortly before he was due to be here in the White Plains  
5   Courthouse for his deposition. Regrettably, it was late  
6   enough that not everybody was -- got notice of it. So I think  
7   Mr. Zipes actually arrived here. I suspect Ms. Kumar was in  
8   transit. And I'm not sure about Mr. Druckman. But it laid  
9   out reasons why, in Mr. Manchanda's view, he could not attend.  
10   And so he also said he couldn't attend today. And so the only  
11   reason I kept this on, and I appreciate you all sitting  
12   through a lengthy calendar, is to just essentially start to  
13   sort of -- to continue to make a record of what's going on in  
14   the case.

15           The facts that he said included some medical information,  
16   so I could've -- I was a little uncomfortable putting that on  
17   the Docket. So I thought it appropriate to make the record by  
18   getting on the horn today with you all and just to make it  
19   clear sort of what the circumstances are. Probably the most  
20   concern that I had was, obviously, nobody wants to -- anyone  
21   to have any health issues. But, at the same time, I am a  
22   little concerned about the exceedingly late notice that was  
23   provided and I am also concerned that Mr. Manchanda said that  
24   he didn't anticipate being able to come to anything for the  
25   foreseeable future.

1           So, and I will say that based on what I saw, I'm not sure  
2   that the documentation that he submitted justified that  
3   position. So that's what I wanted to put on the record. I'm  
4   happy to hear from the parties who are here. So, Ms. Kumar, I  
5   don't know if you have anything to add or that you wanted to  
6   address. Again, it's just a Status. Mr. Manchanda is not  
7   here. I'm just trying to make a record as to his non-  
8   appearance.

9           MS. KUMAR: Yeah. Understood, thank you, Your  
10   Honor. Dana Kumar on behalf of the IRS and SBA. I just  
11   wanted to note that the Government had filed a Motion for a  
12   Rule 2004 Application, and it was not opposed by Mr.  
13   Manchanda. His opposition was due last week. So I don't know  
14   if Your Honor is comfortable ruling on that considering the  
15   lack of opposition or if we should carry it until the next  
16   Conference.

17           THE COURT: Well, maybe you file a Certificate of No  
18   Objection with a Proposed Order on Presentment for, you know,  
19   five days, and then just give chambers a heads up when -- if  
20   there's no opposition of any sort, and that'll allow me to  
21   address it. That would be great.

22           MS. KUMAR: Sounds good. Thank you, Your Honor.  
23   Nothing else.

24           THE COURT: All right. Mr. Zipes, anything from  
25   you?

1           MR. ZIPES: No, Your Honor. I would just state that  
2 I want to reserve on the record any rights I might have in  
3 connection with costs or expenses associated with coming to a  
4 scheduled examination or any other rights I might have in that  
5 regard, Your Honor. And I'm not pressing anything today, and  
6 I'm not asserting any defaults in that regard. But I just  
7 want to reserve my rights in every way that it's not excused  
8 in our deal.

9           THE COURT: All right, thank you. Mr. Druckman?

10          MR. DRUCKMAN: You know, we don't really have thing,  
11 Your Honor. Our plan today was to discuss, you know, how to  
12 proceed with the case. And it doesn't really make sense  
13 without Mr. Manchanda. I think what I would just request is  
14 when we schedule the next Status Conference, it might make  
15 sense to set it a little bit further out given what's going on  
16 in the main Bankruptcy. I don't think we have to rush ahead  
17 with the Adversary Proceeding right now.

18          THE COURT: All right. I would agree. That seems  
19 to be a wise course of action. So that leads to the last  
20 thing to discuss is what we should schedule, and I'm open to  
21 suggestions. My default would be to schedule something for  
22 the beginning of the year, but that's for a Court appearance.  
23 That's sort of separate from the notion of proceeding with the  
24 deposition. And certainly, I'm happy to, again, once again,  
25 make the Courthouse available if that would be of use whether,

1     frankly, we do it up here, or I can even certainly make  
2     arrangements.  If I'm going to be downtown, you all are going  
3     to be downtown to save people some travel if that's easier.  
4     We can coordinate.  So I don't know if the two of you want to  
5     talk and think about options.  I can certainly think about  
6     days when I am going to be in Manhattan for other matters.  So  
7     any thoughts from either Mr. Kumar -- Ms. Kumar or Mr. Zipes  
8     on that front?

9             MS. KUMAR:  Thank you, Your Honor.  I think that  
10    maybe Mr. Zipes and I should talk offline and find some dates  
11    that work and then work with your Chambers, if that is fine  
12    with you (inaudible) discuss with Mr. Manchanda.

13            THE COURT:  All right.  Mr. Zipes?

14            MR. ZIPES:  That's fine, Your Honor.  Your Honor, I  
15    should add that my office is right now evaluating whether we  
16    should just file a complaint, a 727 Complaint.  I know that  
17    Ms. Kumar is -- and the (inaudible) has their own interests as  
18    appropriate.  And we are --

19            THE COURT:  Mr. Zipes, you are --

20            MR. ZIPES:  -- just letting the Court know --

21            THE COURT:  -- you are --

22            MR. ZIPES:  -- that we may just proceed with a 727  
23    Action within the next couple of weeks.

24            THE COURT:  Well, I will leave to you whether --

25            MR. ZIPES:  Am I fading out, Your Honor?

1           THE COURT: It's -- but it's not your location of  
2 the microphone. It was just -- it was a Zoom lag. And I  
3 don't -- and, of course, the ghosts in the machine, I don't  
4 know where they're from, whether they're in your office, in  
5 the Court, in the grand scheme of the world wide web. But you  
6 seem to be coming through. So I guess I would also ask you to  
7 the extent that you're going to seek some sort of relief based  
8 on -- and I'm just -- I'm just saying based on what has been  
9 discussed on numerous occasions, the concerns about a failure  
10 to provide information or lack of cooperation, to the extent  
11 that that's the basis you would seek any relief. The question  
12 is whether that would be a 727 Action or simply dismissal of  
13 the case. I don't know. That's just something worth thinking  
14 about in terms of the most appropriate path forward. So --

15           MR. ZIPES: Understood, Your Honor.

16           THE COURT: All right. Do you want any hearing date  
17 now just for a Status on the case, or should we wait until  
18 after you talk, and then you just get some dates and reach out  
19 to Chambers, which is putting aside the deposition, which is a  
20 whole other set of problems.

21           MS. KUMAR: I think that we could put a court date,  
22 if that works for the Adversary and the Bankruptcy just so we  
23 have it.

24           THE COURT: All right. So I'm going to go further  
25 out on this one. Just -- Mr. Manchanda said he was having

1 some medical issues. I'm taking that face value for a moment.  
2 I don't want to sort of have any undue fire drills. So I  
3 would say January 9th at 10:00 o'clock. And if there's a need  
4 for a hearing before then, obviously, just reach out to  
5 chambers, and we'll be happy to get you whatever date you  
6 might need. And similarly --

7 MS. KUMAR: Your Honor, (inaudible) --

8 THE COURT: -- if you want a date for a deposition  
9 as well, you can do that as well. I would imagine that would  
10 be by letter with everybody copied.

11 MS. KUMAR: Your Honor, I have a court Conference at  
12 10:00 a.m. downtown on January 9th (inaudible) --

13 THE COURT: Oh. How's January 10th?

14 MS. KUMAR: That's fine.

15 THE COURT: All right. January 10th at 10:00. All  
16 right, thank you very much.

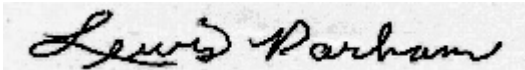
17 ALL: Thank you, Your Honor.

18 (Court adjourned)

19

20 CERTIFICATION  
21 I, Lewis Parham, certify that the foregoing is a correct  
22 transcript from the electronic sound recording of the  
23 proceedings in the above-entitled matter.  
24

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11/14/23

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29 Signature of Transcriber

Date